

Chapter 19.10 FM-10 AND FM-20 FORESTRY MULTIFAMILY ZONES

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19.10.010 Purpose of provisions.

The purpose of the forestry multifamily zones is to permit development of certain areas in the foothill and canyon areas of the county for high-density residential, limited commercial, and other specified uses to the extent that such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations. (Ord. 1417 § 4 (part), 1998)

19.10.020 Permitted uses.

The following uses are permitted in the FM-10 and FM-20 zones subject to compliance with all applicable requirements set forth in this chapter including those relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to permitted use;
- B. Agriculture, as defined in Section 19.04.020;
- C. Home day care/preschool for six or fewer children subject to the conditions set forth in Section 19.04.293;
- D. Class B beer outlet;
- E. Minor ski resort improvements, provided:
 - 1. That the privately-owned land areas on which such improvements are permitted constitute less than ten percent of the total land area utilized for the ski resort that the improvements support, and
 - 2. That at least ninety percent of the land area on which the improvements are developed, operated, and maintained is on public lands, and
 - 3. That the public agency responsible for the management and administration of such lands has approved a special use permit or similar regulatory authorization, and has assumed long-term administrative and enforcement responsibilities for such approvals, and
 - 4. That opportunities for public notice, review, and comment on the proposed improvements have been

provided through a finalized National Environmental Policy Act (NEPA) or other comprehensive public review and comment process, and

5. That such improvements are either;

a. Essential to public safety, or

b. Required in association with the reasonable repair or maintenance of existing legally-established facilities and improvements, or

c. Essential to the continuation or extension of improvements expressly approved under the terms of a governmental land lease or use permit or by final action of the federal or state governmental agency with jurisdiction over the lands on which the improvements are located;

F. Residential facility for elderly persons;

G. Residential facility for persons with a disability, provided that each such facility shall not be located within one-half mile of a similarly-licensed residential facility for persons with a disability;

H. Restaurant liquor license;

I. Single-family dwellings;

J. Wireless telecommunication facilities, provided:

1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility, and

2. The facility is mounted on a nonresidential building, and

3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan, and

4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications

Facilities," are satisfied. (Ord. 1454 § 2 (part), 1999; Ord. 1452 § 4, 1999; Ord. 1417 § 4 (part), 1998)

19.10.030 Conditional uses.

The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and, for properties situated within the foothills and canyons overlay zone, the procedures and provisions of Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards."

The development services director may review and approve conditional use permits for ski resort facilities and improvements which satisfy the criteria set forth in subparts (E)(1) through (E)(4) of Section 19.10.020 of this chapter. In granting such approval within a foothills and canyon overlay zone, the development services director may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

Ski resort facilities and improvements which do not satisfy the criteria of Section 19.10.020, subparts (E)(1) through (E)(4) of this chapter, as well as those which are referred to the planning commission by the development services director in accordance with Section 19.84.080 provisions of this title, shall be subject to review and approval by the planning commission. In its consideration of ski resort and public use development proposals in areas situated within the foothills and canyons overlay zone, the planning commission may waive and/or modify the regulations of Chapters 19.72 and 19.73 of this title in accordance with the procedures and criteria set forth in Section 19.72.060, "Administration and enforcement."

A. Accessory uses and structures customarily incidental to a conditional use;

B. Apartments, boardinghouse; lodging house, hotel; motel; resort hotel;

C. Bed and breakfast homestay, provided that:

1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year, and

2. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the health department prior to

issuance of a license.

D. Bed and breakfast inn, which may include a restaurant and conference rooms;

E. Class C beer outlet;

F. Commercial and private recreation;

G. Day care/preschool center subject to the conditions set forth in Section 19.76.260;

H. Dwelling group, provided:

1. The parcel of ground on which the dwelling group, as defined in Section 19.04.190, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group,

2. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet county standards,

3. The development or site plan shall provide a landscaped buffer area along the perimeter property lines and decorative landscaping adjacent to the buildings in appropriate locations, and

4. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the health department.

I. Home day care/preschool with no less than seven and no more than twelve children, subject to the conditions set forth in Section 19.04.293;

J. Living quarters for persons employed on the premises of any main use;

K. Office incidental to main use;

L. Package agency;

M. Planned unit development subject to the conditions and requirements set forth in Chapter 19.78, "Planned unit development";

N. Private nonprofit locker club;

O. Public and quasi-public uses;

P. Restaurant, boutique, gift shop, and other limited commercial uses determined by the planning commission to be of the same character as these listed and serving the needs of the visitors and residents of the canyons;

Q. Short term rentals, provided that:

1. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year, and

2. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the health department prior to issuance of a license.

R. Ski resorts;

S. State store;

T. Temporary structures;

U. Two-family dwelling; three-family dwelling; four-family dwelling; multiple-family dwelling;

V. Wireless telecommunication facilities, as that term and all related terms are defined in Section 19.83.020, provided:

1. The wireless telecommunication facility is either a wall-mounted, roof-mounted, or monopole facility. Facilities located on lattice towers are prohibited, and

2. Any grading for the facility, including access roads and trenching for utilities, shall comply with the Uniform Building Code, and

3. The facility complies with the requirements for development set forth in the foothills and canyons overlay zone, Chapter 19.72, including development standards for grading, wildlife habitat protection, tree and vegetation protection, natural hazards, and utilities, and standards for establishing limits of disturbance, and

4. Site placement and facility color shall be carefully considered to blend in with the natural surroundings, and

5. Continuous outside lighting is prohibited unless required by the FAA for monopole facilities, and
6. The maximum height for monopole facilities shall be sixty feet, and
7. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan and shall show all structures including but not limited to monopoles, antennas, and equipment buildings, and
8. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied. (Ord. 1473 (part), 2001; Ord. 1454 § 2 (part), 1999; Ord. 1417 § 4 (part), 1998)

19.10.040 Lot area, lot width and slope.

- A. Minimum lot area: One-half acre;
- B. Minimum lot width: One hundred feet;
- C. Lots Fronting on Cul-de-Sacs--Lot Width. The minimum lot width of any lot fronting on a cul-de-sac, partial cul-de-sac, or oblique angle-curved street from which the lot lines radiate shall be measured at a distance of fifty feet from the front lot line;
- D. Slope Requirements. All development in the FM zones shall be subject to the slope protection standards set forth in the foothills and canyons overlay zone, Section 19.72.030B, "Slope Protection Standards" and Section 19.72.030D, "Streets and Roads." (Ord. 1417 § 4 (part), 1998)

19.10.050 Limits of disturbance/setbacks.

Because of the unique nature of the topography and climatic conditions of the foothill and canyon areas, limits of disturbance and setbacks for permitted uses including single-family dwellings and accessory structures in the FM zones shall be determined on a case-by-case basis by the development services director. Limits of disturbance and setbacks for conditional uses shall be as finally approved by the planning commission upon the recommendation of the development services director (see Chapter 19.72). All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the foothills and canyons overlay zone, Section 19.72.040, "Establishment of limits of disturbance." (Ord. 1417 § 4 (part), 1998)

19.10.060 Building height.

A. Conditional Uses--Case-by-Case Determination. Because of the unique nature of the topography, vegetation, soils, climatic and aesthetic characteristics of the foothills and canyons, the allowable height of conditional use structures in the FM-10 and FM-20 zones shall be determined on a case-by-case basis by the planning commission, subject to consideration of the following criteria:

1. Protection of the natural setting;
2. Relationship to other structures and open spaces;
3. Contour intervals and topographic features;
4. To the maximum extent feasible, the building height should not exceed the height of surrounding trees and vegetation;
5. Protection of scenic vistas, especially views from public rights-of-way and public lands; and
6. Other elements deemed appropriate to ensure that the provisions of Section 19.10.010 are met.

B. Multifamily Residential Conditional Uses--Maximum Height. Notwithstanding the case-by-case determination permitted by this section, the maximum height of a residential conditional use in the FM zones shall not exceed one hundred feet.

C. Single-Family Dwellings. Except as otherwise specifically provided in this title, single-family dwellings shall not exceed the following heights:

1. Thirty feet on property where the original slope exceeds fifteen percent or the property is located in the foothills and canyons overlay zone. For purposes of this section, slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box

which encircles the foundation line of the single-family dwelling. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the single-family dwelling. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet;

2. Thirty-five feet for single-family dwellings on all other properties;

3. No single-family dwelling structure shall contain less than one story. (Ord. 1417 § 4 (part), 1998)

19.10.070 Density of development.

A. Residential Uses Other Than Single-Family. Maximum density for residential dwelling units, except single-family dwellings, shall be as follows:

Zone	Maximum Density
FM-10	10 dwelling units or 20 guestrooms per net developable acre
FM-20	20 dwelling units or 40 guestrooms per net developable acre.

B. Net Developable Acreage Defined. For purposes of this section, “net developable acreage” is defined as land with all of the following:

1. Average slope less than thirty percent;

2. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface water and groundwater quality;

3. Minimum distance from any stream corridor of one hundred feet, as “stream corridor” is defined in Section 19.72.070 of this title (Overlay zone); and

4. Free from any identified natural hazard such as flood, avalanche, landslide, high water table, and similar features. See Chapter 19.74, “Floodplain Hazard Regulations,” and Chapter 19.75, “Natural Hazard Areas.” (Ord. 1417 § 4 (part), 1998)

19.10.080 Natural hazards.

Construction of permanent structures in areas subject to natural hazards, including floods, landslides, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 19.74, “Floodplain Hazard Regulations,” and Chapter 19.75, “Natural Hazard Areas.” (Ord. 1417 § 4 (part), 1998)

19.10.090 Water quality.

A. Department of Health Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the FM zones, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

B. Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the Utah Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the Utah Department of Environmental Quality relating to culinary water supply and wastewater disposal.

C. Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, Sections R317-501 through R317-513, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

D. Subsequent Changes in Site Plan. If, after department of health or Utah Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the

original limits of disturbance changes the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan. (Ord. 1473 (part), 2001: Ord. 1417 § 4 (part), 1998)

19.10.100 Grading.

Grading shall be permitted only in conformance with the standards and limitations set forth in the foothills and canyons overlay zone, Section 19.72.030C, “Grading Standards.” (Ord. 1417 § 4 (part), 1998)

19.10.110 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in the foothills and canyons overlay zone, Section 19.72.030H, “Tree and Vegetation Protection.” (Ord. 1417 § 4 (part), 1998)

19.10.120 Utilities.

All utilities in the FM zones shall be placed underground, except as may be provided for in Chapter 19.79, “Utility and Facility System Placement Regulations.” (Ord. 1417 § 4 (part), 1998)

19.10.130 Building location, construction and design.

All buildings and accessory structures in the FM zones, including single-family and multifamily dwellings, shall be located, constructed, and designed in compliance with the development standards set forth in the foothills and canyons overlay zone, Section 19.72.030, “Development standards,” and in Chapter 19.73 of this title, “Foothills and Canyons Site Development and Design Standards.” (Ord. 1417 § 4 (part), 1998)

19.10.140 Off-street parking.

A. Permitted Uses. The development services director or his designee shall determine the number of off-street parking spaces required, provided the minimum requirements of Chapter 19.80 are met, except that the planning commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.

B. Conditional Uses. The planning commission shall determine the number of off-street parking spaces required, provided the minimum requirements of Chapter 19.80 shall be met, except that for hotels and resort hotels one-half parking space shall be provided for each guestroom. The planning commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas. (Ord. 1417 § 4 (part), 1998)

19.10.150 Site development plan approval.

Site development plans for all development in the FM zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in the foothills and canyons overlay zone, Section 19.72.050, “Approval procedure for developments in the foothills and canyons overlay zone.” (Ord. 1417 § 4 (part), 1998)

19.10.160 Applicability to lots of record and waivers from slope requirements.

A. Applicable to Lots of Record. All standards and requirements for development in the FM zones as set forth in this chapter shall apply to development on lots that were recorded prior to the enactment date of the ordinance originally adopting said standards and requirements.

B. Lots of Record--Waivers from Slope Requirements. For properties in the FM zones also located in

the foothills and canyons overlay zone (see Chapter 19.72), the planning commission may waive slope requirements for streets/roads and slope protection requirements for lots of record and lots and plans of subdivisions that were provided prior to the enactment of Chapter 19.72, provided the conditions and criteria set forth in Section 19.72.060A are satisfied. (Ord. 1417 § 4 (part), 1998)